

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHANISE SHIDAGIS,

Plaintiff,

-v-

3:23-CV-1108

MANAGER AT CITGO
GAS STATION,

Defendant.

APPEARANCES:

OF COUNSEL:

SHANISE SHIDAGIS
Plaintiff, Pro Se
169 Hawley Street
ER- 2-7
Binghamton, NY 13901

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On August 31, 2023, *pro se* plaintiff Shanise Shidagis (“plaintiff”) filed this civil action alleging that the named defendant committed a tort. Dkt. No. 1. Along with her complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 2. This matter was initially assigned to U.S. District Judge Glenn T. Suddaby, but was reassigned to this Court pursuant to General Order 12 after a review of the pleading indicated that it was

“related” to a previous civil lawsuit filed by plaintiff in this District. *Shidagis v. Citgo Gas Station*, 3:23-CV-192 -DNH-ML (N.D.N.Y.).

On September 29, 2023, U.S. Magistrate Judge Miroslav Lovric granted plaintiff’s IFP Application and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed without prejudice but without leave to replead. Dkt. No. 5. In doing so, Judge Lovric observed that plaintiff has filed seven other lawsuits within the last twelve months and that each of those civil actions suffered from the same or similar pleading deficiencies as those identified in the current R&R. *Id.*

Accordingly, Judge Lovric cautioned plaintiff that proceeding IFP is a privilege, not an unqualified right, and that the continued filing of frivolous lawsuits may “result in the denial of any request to proceed IFP in an action and/or a recommendation to the Chief District Judge that a filing injunction be issued against Plaintiff.” Dkt. No. 5.

Plaintiff has not filed objections. The time period in which to do so has expired. *See* Dkt. No. 5. Upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b). In closing, this Court adds its voice to Judge Lovric’s warning: plaintiff should take care not to abuse the privilege of IFP status. The repeated filing of lawsuits that lack an arguable basis in law or in fact is likely to lead to the denial of the IFP privilege and possibly a referral to the Chief Judge for further action.

Therefore, it is

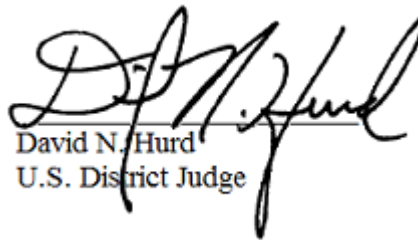
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED without prejudice but without leave to replead.

The Clerk of the Court is directed to terminate the motion and close the file.

IT IS SO ORDERED.

Dated: October 19, 2023
Utica, New York.



David N. Hurd
U.S. District Judge